

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

THOMAS B. SHEPPARD,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-cv-49

MICHAEL ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**REPORT AND RECOMMENDATION RECOMMENDING PLAINTIFF'S MOTION TO
DISMISS BE GRANTED**

On June 19, 2007, Plaintiff filed a complaint against Defendant, Commissioner of Social Security. Defendant filed an answer on September 10, 2007. On October 22, 2007, Plaintiff requested the action be dismissed. AUSA Altmeyer advises the government does not object. The undersigned recommends Plaintiff's motion to dismiss be granted.

Any party who appears *pro se* and any counsel of record, as applicable, may, within ten (10) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. A copy of such objections should be submitted to the District Court Judge of Record. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation.

DATED: October 24, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE